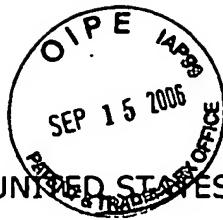


66307-291-7



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) PATENT
Anthony Fred MERCURIO et al.) GROUP: 1712
Serial No.: 10/702,041) EXAMINER: METZMAIER, Daniel S.
Filed: November 6, 2003) CUSTOMER NO. 25269
AEROSOL DELIVERY SYSTEM) CONFIRMATION NO. 7411

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 15, 2006

Sir:

Responsive to the final Office Action of June 27, 2006 wherein the examiner allowed claims 10 and 11 and rejected claim 9 under 35 U.S.C. 102(e) over Moodycliffe et al. '757 and '673, the undersigned submits a copy of the Declaration under 37 C.F.R. §1.131 which was filed on June 27, 2006, and asserts that it suffices to overcome the examiner's rejection of claim 9 over the Moodycliffe et al. patents. In this regard, although the attachments of the Declaration contain some indecipherable notations, the essential information thereon is clearly readable.

OK to
ENTER
DAM
9-29-2006

Respectfully submitted,

DYKEMA GOSSETT PLLC

By:

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